

APR 3/51  
JRW

PTO/SB/37 (04-05)

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

NMC104A US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.0(e)] on JANUARY 17, 2006

Signature

Typed or printed name Remy VanOphem

In re Application of

Application Number  
10/034,720

Filed

December 28, 2001

For Portable Toilet Shelter Having Improved Stackability

Art Unit

3751

Examiner

Charles E. Phillips

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 22-0212. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 27053

(586) 739-7445

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

JANUARY 17, 2006  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/034,720  
Applicant: Earl J. Braxton  
Filing Date: December 28, 2001  
Title: Portable Toilet Shelter Having Improved Stackability

Art Unit: 3751  
Examiner: Charles E. Phillips

Attorney Docket: NMC104A US

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**Notice of Appeal**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Examiner's Final Rejection dated October 17, 2005, Paper No. 20051011, wherein Claims 1-3, 5, 7, 8, 10, 12, 13, 15, 17 and 21 stand finally rejected.

A check in the amount of \$250.00, the requisite fee, is enclosed. If there is any deficiency or excess in the fee enclosed, the Commissioner is hereby authorized to charge or credit the same to Deposit Account No. 22-0212.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.

Remy J. VanOphem  
Registration No. 27053

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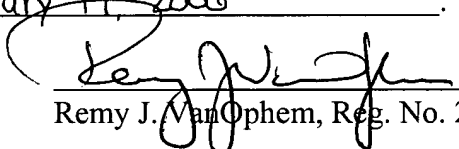
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Certificate under 37 CFR §1.8(a)

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Date: January 17, 2006

  
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Remy J. VanOphem, Reg. No. 27053



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/034,720
	Filing Date	December 28, 2001
	First Named Inventor	Earl J. Braxton
	Art Unit	3751
	Examiner Name	Charles E. Phillips
Total Number of Pages in This Submission	Attorney Docket Number	NMC104A US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	VanOphem & VanOphem, P.C.		
Signature			
Printed name	Remy J. VanOphem		
Date	January 17, 2006	Reg. No.	27053

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Signature			
Typed or printed name	Remy J. VanOphem	Date	January 17, 2006

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